

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2016

Coram:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

H.C.P.No.2860 of 2015

Anitha

.. Petitioner

vs.

1.The State of Tamil Nadu rep. by its
Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

2.The District Collector and District Magistrate,
O/o.Collectorate Office,
Krishnagiri District.

3. The Additional Secretary,
Government of India,
Ministry of Consumer Affairs,
Food and Public Distribution
(Department of Consumer Affairs),
Room No.270, Krishi Bhawan,"
New Delhi-110 001.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus, calling for the records relating to the detention order passed in S.C.No.93/2015 (CS), dated 18.10.2015 passed by the 2nd respondent under Section 3(1) read with 3(2) (b) of the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980 (Central Act 7 of 1980) and set aside the same and direct the respondent to produce the petitioner's mother Amulu, wife of Sampath, aged about 45 years- the detainee, now confined in Central Prison, Special Prison for Women, Vellore, before this Court and set her at liberty.

For petitioner

: Mr.A.Saranraj

For Respondents
1 and 2

: Mr.A.N.Thambi Durai,
Addl. Public Prosecutor (Crl.side)

O R D E R

(Order of the Court was made by S.NAGAMUTHU, J.)

The petitioner is the daughter of one Mrs.Amulu, wife of Sampath, who has been detained under Section 3(1) read with 3(2) (b) of the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980 (Central Act 7 of 1980), branding her as a 'Black Marketer'. Challenging the said detention order, the petitioner has come up with this Habeas Corpus Petition.

2. Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 and 2. We have also perused the records carefully.

3. The date of detention order is on 18.10.2015. It is brought to the notice of this Court that a representation was made by the detainee to the Government on 03.11.2015.

4. According to the learned Additional Public Prosecutor, the representation was received by the Government on 09.11.2015 and though several reminders have been sent to the Detaining Authority as well as the Sponsoring Authority, to send the remarks, the Government has not sent any remarks and the said representation dated 03.11.2015 has not been considered so far.

5. In our considered view, the representation so made needs to be considered without any delay. Here, in this case, the representation sent was not even considered and disposed of. This, in our considered view, would amount to serious violation of fundamental rights of the detainee as well as the statutory provision. In view of the same, the detention order is liable to be quashed.

6. Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order in S.C.No.93/2015 (CS), dated 18.10.2015, passed by the second respondent is quashed. The detainee, namely, Amulu, wife of Sampath, is directed to be released forthwith, unless her presence is required in connection with any other case.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To:

- 1.The State of Tamil Nadu rep. by its
Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2.The District Collector and District Magistrate,
O/o.Collectorate Office,
Krishnagiri District.
3. The Additional Secretary,
Government of India,
Ministry of Consumer Affairs,
Food and Public Distribution
(Department of Consumer Affairs),
Room No.270, Krishi Bhawan,"
New Delhi-110 001.
4. The Public Prosecutor,
High Court, Madras
5. The Superintendent
Special Prison for women
Vellore
6. The Joint Secretary to Government
Public Law and order Fort St.George Chennai-9

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